IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2879 of 2004

IN

SUIT NO.2448 OF 2002

Cukkemane Ramaiya Ashok Kumar
and another. ...Plaintiffs

vs.

Ramesh P. Poojary & others. ...Defendants.

Mr.D.S.Sakhalkar, for Plaintiffs.

None for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 20th April, 2006.

P.C.:-

1. By this notice of motion, the plaintiffs are seeking order of his appointment as agent of the Receiver. Perusal of the order of the Division Bench dated 11.3.2003 passed in Appeal (Lodging) No.199 of

2003 shows that the Division bench has directed that in case the plaintiff who was respondent no.1 in the Appeal commits default in payment of royalty his agency should be cancelled and then the Receiver shall appoint new agent by inviting bids. Therefore, in view of the Division Bench's order, this Court will not be justified in making an order for appointment of plaintiffs as agent because if this Court makes such an order it will be contrary to the directions issued by the Division Bench. However, grievance is made by the plaintiffs that the Receiver has not taken steps for inviting bids for appointment of agent as per the order of the Division Bench. The Receiver is directed to comply with the order passed by the Division Bench dated 11.3.2003. The notice of motion is disposed of.

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